

Attorney Docket No.: RTS-0147
Inventors: Bennett and Wyatt
Serial No.: 09/828,344
Filing Date: April 5, 2001
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REMARKS

Claims 1, 2, 4-10 and 12-15 are pending in the instant application. Claims 1, 2, 4-10 and 12-15 have been rejected. Claim 1 has been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Election/Restriction

Applicants acknowledge that the Restriction Requirement has been deemed proper and made Final. Accordingly, Applicants have removed from the claims all reference to regions other than nucleobases 652 through 1064.

II. Rejection of Claims Under 35 U.S.C. 112, First Paragraph

Claim 1, and by dependency claims 2, 4-10 and 12-15 have been rejected under 35 U.S.C. 112, first paragraph because the claims contain subject matter which was not described in the specification in such a way as to convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Applicants have amended claim 1 such

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that it now refers to only one target nucleobase region, a region that is defined in the specification as filed at Table 1, where the start of this region at nucleobase 652 is shown as well as the ending at nucleobase 772 (a 20 mer overlap of SEQ ID NO: 47 from its starting position at nucleobase 753). Therefore, the amended claim meets the requirements of 35 U.S.C. 112, first paragraph. Withdrawal of this rejection is respectfully requested.

III. Rejection of Claims Under 35 U.S.C. 102/103

Claims 1, 2, 12 and 14 have been rejected under 35 U.S.C. 102(b) and 103(a) as being anticipated and/or obvious by Veugelers et al. (WO 99/37764). The Examiner suggests that this patent discloses a sequence that possesses significant identity with residues 787 through 801 of SEQ ID NO:3 and would inherently have the ability to inhibit expression of this sequence as claimed. Applicants respectfully traverse this rejection.

At the outset, as discussed *supra*, Applicants have amended the claims to refer to antisense compounds targeted to a region that does not encompass nucleobases 787 through 801 of SEQ ID NO: 3. Accordingly, this reference cannot anticipate the claims as amended because it fails to teach or suggest the limitations of the amended

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claims (MPEP 2131 and 2143). Withdrawal of this rejection is therefore respectfully requested.

Claims 1, 2, 12 and 14 have been rejected under 35 U.S.C. 102(b) and 103(a) as being anticipated and/or obvious by Nicolas et al. (US Patent 5,830,722). The Examiner suggests that this patent discloses a sequence that possesses significant identity with residues 824 through 835 of SEQ ID NO:3 and would inherently have the ability to inhibit expression of this sequence as claimed. Applicants respectfully traverse this rejection.

At the outset, as discussed *supra*, Applicants have amended the claims to refer to antisense compounds targeted to a region that does not encompass nucleobases 824 through 835 of SEQ ID NO: 3. Accordingly, this reference cannot anticipate the claims as amended because it fails to teach or suggest the limitations of the amended claims (MPEP 2131 and 2143). Withdrawal of this rejection is therefore respectfully requested.

IV. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly,

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favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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